

# Senate File 2323 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 2171)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the transportation of railroad workers by  
2 companies organized for that purpose and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 5659SV 82  
5 dea/nh/5

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1 1 Section 1. Section 321.449, subsection 4, Code 2007, is  
1 2 amended to read as follows:  
1 3 4. Notwithstanding other provisions of this section, rules  
1 4 adopted under this section for drivers of commercial vehicles  
1 5 shall not apply to a driver of a commercial vehicle who is  
1 6 engaged exclusively in intrastate commerce, when the  
1 7 commercial vehicle's gross vehicle weight rating is twenty-six  
1 8 thousand pounds or less, unless the vehicle is used to  
1 9 transport hazardous materials requiring a placard or if the  
1 10 vehicle is designed to transport more than fifteen passengers,  
1 11 including the driver. For the purpose of complying with the  
1 12 hours of service recordkeeping requirements under 49 C.F.R. }  
1 13 395.1(e)(5), a driver's report of daily beginning and ending  
1 14 on-duty time submitted to the motor carrier at the end of each  
1 15 workweek shall be considered acceptable motor carrier time  
1 16 records. In addition, rules adopted under this section shall  
1 17 not apply to a driver operating intrastate for a farm  
1 18 operation as defined in section 352.2, or for an agricultural  
1 19 interest when the commercial vehicle is operated between the  
1 20 farm as defined in section 352.2 and another farm, between the  
1 21 farm and a market for farm products, or between the farm and  
1 22 an agribusiness location. A driver or a driver=salesperson  
1 23 for a private carrier, who is not for hire and who is engaged  
1 24 exclusively in intrastate commerce, may drive twelve hours, be  
1 25 on duty sixteen hours in a twenty=four=hour period and be on  
1 26 duty seventy hours in seven consecutive days or eighty hours  
1 27 in eight consecutive days. For=hire drivers who are engaged  
1 28 exclusively in intrastate commerce and who operate trucks and  
1 29 truck tractors exclusively for the movement of construction  
1 30 materials and equipment to and from construction projects may  
1 31 also drive twelve hours, be on duty sixteen hours in a  
1 32 twenty=four=hour period, and be on duty seventy hours in seven  
1 33 consecutive days or eighty hours in eight consecutive days. A  
1 34 "driver=salesperson" means as defined in 49 C.F.R. } 395.2, as  
1 35 adopted by the department by rule. A driver of a vehicle  
2 1 operated for hire and designed to transport seven or more  
2 2 persons but not more than fifteen persons, including the  
2 3 driver, shall not be on duty more than twelve hours, including  
2 4 no more than ten hours of driving time, in a twenty=four=hour  
2 5 period and shall not drive for any period of time following  
2 6 less than eight hours off duty when operating intrastate.  
2 7 Sec. 2. NEW SECTION. 327F.0A DEFINITIONS.  
2 8 As used in this chapter, unless the context otherwise  
2 9 requires:  
2 10 1. "Administrator" means the department's administrator  
2 11 for rail and water, or the administrator's designee.  
2 12 2. "Department" means the department of transportation.  
2 13 3. "Director" means the director of transportation.  
2 14 4. "Place of employment" means that location where one or  
2 15 more workers are actually performing the labor for which they  
2 16 are employed.  
2 17 5. "Worker" means an individual employed for any period of  
2 18 time to perform work for which the individual is compensated,

2 19 whether full=time or part=time.  
2 20 Sec. 3. Section 327F.39, subsection 1, Code 2007, is  
2 21 amended to read as follows:  
2 22 1. DEFINITIONS. As used in this section, unless the  
2 23 context otherwise requires:  
2 24 a. ~~"Department" means the state department of~~  
2 25 ~~transportation.~~  
2 26 b. ~~"Director" means the director of transportation.~~  
2 27 c. ~~"Administrator" means the department's administrator~~  
2 28 ~~for rail and water, or the administrator's designee.~~  
2 29 d. a. "Motor vehicle" means a vehicle which is  
2 30 self-propelled and designed primarily for highway use, and  
2 31 which may or may not be equipped with retractably flanged  
2 32 wheels for operation on railroad tracks.  
2 33 e. b. "Owner" means a person having the lawful use or  
2 34 control of a motor vehicle as holder of the legal title of the  
2 35 motor vehicle or under contract or lease or otherwise.  
3 1 f. ~~"Place of employment" means that location where one or~~  
3 2 ~~more workers are actually performing the labor incident to~~  
3 3 ~~their employment.~~  
3 4 g. ~~"Worker" means an individual employed for any period in~~  
3 5 ~~work for which the individual is compensated, whether~~  
3 6 ~~full-time or part-time.~~  
3 7 Sec. 4. NEW SECTION. 327F.40 RAILROAD WORKER  
3 8 TRANSPORTATION COMPANIES.  
3 9 The following provisions apply to the transportation of  
3 10 railroad workers by a railroad worker transportation company.  
3 11 1. DEFINITIONS. For purposes of this section, the  
3 12 following definitions apply:  
3 13 a. "Employee" means a person employed for wages by a  
3 14 railroad worker transportation company. An independent  
3 15 contractor is not an employee.  
3 16 b. "Railroad worker transportation company" or "company"  
3 17 means a person, other than a railway corporation, organized  
3 18 for the purpose of or engaged in the business of transporting,  
3 19 for hire, railroad workers to or from their places of  
3 20 employment or in the course of their employment in motor  
3 21 vehicles designed to carry fifteen or fewer passengers.  
3 22 2. APPLICABILITY. This section applies to a company  
3 23 transporting railroad workers intrastate that derives seventy  
3 24 percent or more of its revenue from transportation of railroad  
3 25 workers intrastate, interstate, or both.  
3 26 3. DRIVER QUALIFICATIONS. A railroad worker  
3 27 transportation company shall not permit a motor vehicle to be  
3 28 operated for the purpose of transporting railroad workers by  
3 29 any person who is not an employee of the company. A railway  
3 30 corporation that contracts for the transportation of its  
3 31 workers by a railroad worker transportation company shall  
3 32 require the company to establish and adhere to preemployment  
3 33 assessment standards for applicants for employment which  
3 34 shall, at a minimum, require an applicant to disclose any  
3 35 conviction for a criminal offense and the nature of the  
4 1 offense.  
4 2 4. FINANCIAL LIABILITY COVERAGE. For purposes of section  
4 3 321.20B, a railroad worker transportation company shall  
4 4 register and maintain financial liability coverage for each  
4 5 motor vehicle used for the transportation of railroad workers,  
4 6 except that such coverage shall be in limits of not less than  
4 7 two hundred thousand dollars because of bodily injury to or  
4 8 death of one person in any one accident and, subject to the  
4 9 limit for one person, three million dollars because of bodily  
4 10 injury to or death of two or more persons in any one accident,  
4 11 and fifteen thousand dollars because of injury to or  
4 12 destruction of property of others in any one accident.  
4 13 5. VEHICLE SAFETY AND CONDITION. A vehicle used by a  
4 14 company for the transportation of railroad workers shall be in  
4 15 compliance with the requirements of section 327F.39 applicable  
4 16 to vehicles provided by a railway corporation. If a company  
4 17 employs, for the transportation of railroad workers, a motor  
4 18 vehicle that was previously titled on a salvage certificate of  
4 19 title, the company shall obtain a periodic safety inspection  
4 20 of the vehicle at intervals of not more than sixty days.  
4 21 6. LIABILITY. Notwithstanding any other provision of law,  
4 22 a contract between a railway corporation and a company for the  
4 23 transportation of railroad workers does not relieve the  
4 24 railway corporation or the company from liability for damages  
4 25 resulting from an accident which occurs while the railroad  
4 26 workers are being transported in a motor vehicle operated by  
4 27 an employee of the company.  
4 28 7. PENALTIES. A railroad worker transportation company or  
4 29 a railway corporation found to be in violation of this section

4 30 or a rule adopted pursuant to this section shall be subject to  
4 31 a schedule "one" penalty in addition to any other penalties  
4 32 that may apply.

4 33 8. RULES. The department shall adopt rules as necessary  
4 34 for the administration of this section.

4 35 EXPLANATION

5 1 This bill imposes certain requirements on companies that  
5 2 are hired by railway corporations to transport railroad  
5 3 workers to and from work locations or in the course of their  
5 4 employment.

5 5 The bill imposes hours-of-service requirements on the  
5 6 driver of any vehicle operated for hire and designed to  
5 7 transport seven or more persons, but not more than 15 persons.  
5 8 The bill limits such a driver to 12 hours of on-duty time,  
5 9 including up to 10 hours of driving time, in a 24-hour period,  
5 10 with at least eight hours off duty between driving times. A  
5 11 violation of hours-of-service requirements is punishable by a  
5 12 scheduled fine of \$25.

5 13 The bill defines "railroad worker transportation company"  
5 14 to mean a company organized for the purpose of or engaged in  
5 15 the business of transporting, for hire, railroad workers to or  
5 16 from their places of employment or in the course of their  
5 17 employment in motor vehicles designed to carry 15 or fewer  
5 18 passengers. The provisions of the bill apply to any company  
5 19 that derives 70 percent or more of its revenue from the  
5 20 transportation of railroad workers, whether intrastate,  
5 21 interstate, or both. However, the provisions of the bill  
5 22 apply only to the transportation of workers within Iowa.

5 23 The bill requires that drivers used by a company for the  
5 24 transportation of railroad workers must be employees of the  
5 25 company. Railway corporations are responsible for requiring  
5 26 companies under contract for the transportation of workers to  
5 27 establish and adhere to preemployment assessment standards for  
5 28 applicants for employment. Such applicants shall be required  
5 29 to disclose any conviction for a criminal offense and the  
5 30 nature of the offense.

5 31 The bill requires railroad worker transportation companies  
5 32 to register and maintain financial liability coverage for each  
5 33 of its motor vehicles used to transport workers in the amounts  
5 34 of not less than \$200,000 for bodily injury or death of any  
5 35 one person in any one accident and, subject to the limit for  
6 1 any one person, \$3 million for bodily injury to or death of  
6 2 two or more persons in any one accident, plus \$15,000 for  
6 3 injury to or destruction of property.

6 4 The bill requires that vehicles used by a railroad worker  
6 5 transportation company meet the requirements for safety and  
6 6 condition of the vehicle currently applicable to vehicles  
6 7 provided by a railway corporation for the transportation of  
6 8 workers. In addition, the bill specifies that if a company  
6 9 uses a vehicle previously titled as a salvage vehicle, the  
6 10 company shall obtain periodic safety inspections for the  
6 11 vehicle at intervals of not less than 60 days.

6 12 The bill provides that a contract between a railway  
6 13 corporation and a railroad worker transportation company does  
6 14 not relieve either party from liability for damages resulting  
6 15 from an accident which occurs while an employee of the company  
6 16 is driving a vehicle transporting railroad workers.

6 17 Pursuant to current law, the driver of a vehicle operated  
6 18 for hire and designed to carry seven or more but not more than  
6 19 15 persons is subject to penalties under federal and state  
6 20 motor carrier safety rules. The provisions of the bill  
6 21 applicable to railway corporations and railroad worker  
6 22 transportation companies are punishable by a schedule "one"  
6 23 penalty, in addition to any other penalties that might apply.  
6 24 A schedule "one" penalty is a fine of \$100 per violation.

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